

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UMG RECORDINGS, INC., *et al.*,

Plaintiffs,

v.

RCN TELECOM SERVICES, LLC, *et al.*,

Defendants.

Civil Action No. 19-17272 (MAS) (ZNQ)

ORDER

This matter comes before the Court upon Defendants RCN Telecom Services, LLC; RCN Telecom Services of New York, L.P.; RCN Capital Corp.; RCN Telecom Services of Philadelphia, LLC; RCN Telecom Services of Massachusetts, LLC; Starpower Communications, LLC; RCN Management Corporation; RCN ISP, LLC; RCN Digital Services, LLC; RCN NY LLC 1; RCN Telecom Services (Lehigh), LLC; RCN Telecom Services of Illinois, LLC; 21st Century Telecom Services, Inc.; and RCN Cable TV of Chicago, Inc.’s (collectively, “RCN”) Motion to Dismiss (ECF No. 15), and upon Defendant Patriot Media Consulting, LLC’s (“Patriot”) (with “RCN” the “Defendants”) Motion to Dismiss (ECF No. 30). Plaintiffs UMG Recordings, Inc.; Capitol Records, LLC; Sony Music Entertainment; Arista Records LLC; Arista Music; LaFace Records LLC; Sony Music Entertainment US Latin LLC; Volcano Entertainment III, LLC; Zomba Recording LLC; Atlantic Recording Corporation; Bad Boy Records LLC; Elektra Entertainment Group Inc.; Fueled by Ramen LLC; Maverick Recording Company; The All Blacks U.S.A. Inc.; Warner Music Nashville LLC; Warner Records Inc.; Warner Records/SIRE Ventures, LLC; and WEA International Inc. (collectively, “Plaintiffs”) opposed Defendants’ Motions (ECF Nos. 52, 53), to which Patriot and RCN replied (ECF Nos. 61, 62).

The Court has carefully considered the parties' submissions and decides this matter without oral argument pursuant to Local Civil Rule 78.1. For the reasons set forth in the accompanying Memorandum Opinion, and for good cause shown,

IT IS on this 31st day of August 2020, **ORDERED** that:

1. RCN's Motion to Dismiss (ECF No. 15) is **DENIED**.
2. Patriot's Motion to Dismiss (ECF No. 30) is **GRANTED**.
3. Counts Three and Four of the Amended Complaint (ECF No. 9) are **DISMISSED WITHOUT PREJUDICE**.
4. By **September 21, 2020** Plaintiffs may seek leave to file a Second Amended Complaint addressing the deficiencies identified herein. If Plaintiffs fail to seek leave to file a Second Amended Complaint by **September 21, 2020**, Counts Three and Four will be dismissed with prejudice.

s/ Michael A. Shipp

MICHAEL A. SHIPP

UNITED STATES DISTRICT JUDGE